

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

EVARISTO SERRANO-VARGAS, Movant, vs. UNITED STATES OF AMERICA, Respondent.	4:18-CV-04084-KES ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE
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Movant, Evaristo Serrano-Vargas, filed this lawsuit as a pro se petition for a writ of *coram nobis*. The case was referred to Magistrate Judge Veronica Duffy under 28 U.S.C. § 636(b)(1)(B) for the purpose of conducting any necessary hearings, including evidentiary hearings. The United States moved to dismiss the action for failure to state a claim. Docket 10.

On December 7, 2018, the magistrate judge submitted her report and recommended that the motion to dismiss of the United States (Docket 10) be granted and that Serrano-Vargas's petition for a writ of *coram nobis* (Docket 1) be dismissed with prejudice

Serrano-Vargas was notified in the report and recommendation that he had 14 days to file objections to the report. Even though no objections were filed that would require de novo review under *Thompson v. Nix*, 897 F.2d 356 (8th Cir. 1990), the court reviewed the matter de novo and finds that the

magistrate judge's report and recommendation is adopted in full. Therefore, it is

ORDERED that:

1. The report and recommendation of the magistrate judge (Docket 13) is adopted in full.
2. The government's motion to dismiss (Docket 10) is granted.
3. Serrano-Vargas's complaint is dismissed with prejudice.

Dated December 27, 2018.

BY THE COURT:

/s/ Karen E. Schreier
KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE